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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Armando GONZALEZ-Santana,** **AKA: Armando ROSALES-Saldana,** Defendant	Magistrate Docket No. '08 MJ 2409 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **August 2, 2008** within the Southern District of California, defendant, **Jose Armando GONZALEZ-Santana,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **4th** **DAY OF** **AUGUST, 2008.**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

DOA 8/02/08 JSH

CONTINUATION OF COMPLAINT:
Jose Armando GONZALEZ-Santana

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On August 2, 2008, at approximately 12:15 p.m, Border Patrol Agent K. Ruffner was performing line watch duties near Otay Mesa, California in the Chula Vista Border Patrol area of responsibility. Agent Ruffner was working an area known to Border Patrol agents as the "70 Mirror". This area is approximately two miles east of the Otay Mesa, California Port of Entry and one mile north of the United States/Mexico International Border. This area is used extensively by illegal entrants furthering their entry into the United States. Agent Ruffner responded to a seismic intrusion device in that location and upon arrival, spotted two individuals running southwest. Agent Ruffner responded to that area and after an extensive search found two individuals hiding behind some small brush. Agent Ruffner identified himself as U.S. Border Patrol Agent and questioned each of the individuals as to their citizenship. The two individuals, including one later identified as the defendant, **Jose Armando GONZALEZ-Santana,** admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter into, or remain in the United States legally. At approximately 12:30 pm, Agent Ruffner placed the two individuals under arrest and transported to the Chula Vista Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 28, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.

Executed on August 3, 2008 at 9:30 am.

Thomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **August 2, 2008,** in violation of Title **8**, United States Code, Section **1326**.

Anthony J. Battaglia
United States Magistrate Judge

8/3/08 12:50 pm
Date/Time